

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MISSOURI

APT GROUP INC. d/b/a MOTOVOX, a
Missouri corporation, and APT IP
HOLDINGS, LLC, a Missouri corporation,

Plaintiffs,

vs.

MONSTER MOTO, LLC, a Texas limited
liability company, OLEN RICE, an individual,
ROBERT A. RICE, SR., an individual, JON
UMSTED, an individual, KENNETH
FRANCIS, an individual, and BECK
SALANDER, an individual,

Defendants.

**STIPULATED MOTION FOR
PRELIMINARY INJUNCTION
DISCOVERY AND BRIEFING
SCHEDULE**

Case No. 4:14-cv-546

Plaintiffs APT Group, Inc. d/b/a MotoVox and APT IP Holdings, LLC (“MotoVox” or “Plaintiffs”) and Defendants Monster Moto, LLC, Olen Rice, Robert Rice, Jon Umsted, and Kenneth Francis (“Defendants”), jointly file this Stipulated Motion for Preliminary Injunction and Briefing Schedule to set a discovery schedule and extend the briefing deadlines associated with Plaintiffs’ pending Motion for Preliminary Injunction (the “Motion”). The parties have conferred in good faith and believe that, given the number of parties and complexity of issues, discovery is necessary prior to completing briefing on Plaintiffs’ Amended Motion for Preliminary Injunction (“Motion”), filed on August 18, 2014 (Dkt. 27).¹ As a result of the

¹ Plaintiffs’ filed their original Motion for Preliminary Injunction on July 14, 2014 (Dkt. 8).

necessary discovery, an extension of briefing deadlines regarding Plaintiffs' Motion also is necessary. Accordingly, the parties hereby agree and stipulate to the following:

Written Discovery:

- The parties agree that MotoVox will respond to the First Request for Production of Documents served by defendants Monster Moto, LLC ("Monster Moto"), Olen Rice, Robert Rice, and Jon Umsted on September 9, 2014, by October 1, 2014. These defendants agree not to serve any other written discovery on MotoVox as part of the early discovery on the Motion.
- MotoVox may issue to defendant Monster Moto, LLC no more than ten (10) requests for production of documents related to the issues raised in Plaintiff's Motion. MotoVox will serve its requests by September 15, 2014. Monster Moto's responses will be due on November 11, 2014. No other written discovery will be served by MotoVox on any defendant as part of the early discovery on the Motion.

Depositions:

- MotoVox agrees that it will make Mr. Troy Covey available for one seven (7) hour deposition limited to the issues raised in Plaintiffs' Motion and/or the Declarations of Mr. Covey filed in support on November 3 or November 5.
- Defendants agree that between November 21 and December 5, they will make available one defendant or agent or employee of Monster Moto available for one seven (7) hour deposition, limited to the issues raised in Plaintiffs' Motion and/or defendants' contentions in opposition to that motion.

- Each Defendant shall have the right to submit a Declaration from an employee or himself, as well as any expert witnesses, in support of the Defendant's response to the Motion for Preliminary Injunction.

Briefing:

- Because Mr. Covey of Plaintiff APT is not available for deposition before October 27, and due to other scheduling conflicts of the parties and counsel, the parties agree to extend the October 30, 2014 deadline for Defendants' responses to MotoVox's Motion for Preliminary Injunction three weeks until November 20, 2014.
- MotoVox's Reply in Support of its Motion for Preliminary Injunction is due December 12, 2014.

THEREFORE, the parties jointly request the Court grant their Stipulated Motion. A proposed order is submitted herewith.

DATED: October 9, 2014

///

///

///

LATHROP & GAGE LLP

By: /s/ R. Cameron Garrison

R. Cameron Garrison (MO #54064)
Luke M. Meriwether (MO # 59915)
2345 Grand Boulevard, Suite 2200
Kansas City, Missouri 64108-2618
Email: CGarrison@lathropgage.com
Email: LMeriwether@lathropgage.com
816.292.2000 (Tel)
816.292.2001 (Fax)

HOLLAND & HART LLP

Brett L. Foster (*pro hac vice* to be filed)
Mark A. Miller (*pro hac vice* to be filed)
J. Andrew Sjoblom (Admitted *pro hac vice*)
Ginger Utley (Admitted *pro hac vice*)
Email: BFoster@hollandhart.com
Email: MMiller@hollandhart.com
Email: JASjoblom@hollandhart.com
Email: GUtley@hollandhart.com
222 S. Main Street, Suite 2200
Salt Lake City, Utah 84101
801.799.5800 (Tel)
801.799.5700 (Fax)

Attorneys for Plaintiffs
APT Group, Inc. d/b/a MotoVox and
APT IP Holdings, LLC

POLSINELLI PC

By: /s/Keith J.Grady

Keith J. Grady
Graham L. W. Day
100 South 4th Street , Suite 1000
St. Louis, MO 63102
Email: kgrady@polsinelli.com
Email: gday@polsinelli.com
314.889.8000 (Tel)
314.231.1776 (Fax)

Attorneys for Defendant
Monster Moto, LLC

ROUSE, HENDRICKS, GERMAN, MAY, PC

By: /s/Brandon J.B. Boulware

Brandon J.B. Boulware
1201 Walnut St., 20th Floor
Kansas City, MO 64106
Email: brandonb@rhgm.com
816.471.7700 (Tel)
816.471.2221 (Fax)

Attorneys for Defendants Olen Rice and
Robert A. Rice, Sr.

BOTTARO, MOREFIELD KUBIN & YOCUM, PC

By: /s/Richard W. Morefield, Jr.

Richard W. Morefield, Jr.
11300 Tomahawk Creek Parkway, Ste190
Leawood, KS 66211
Email: rwm@kc-lawyers.com
913.948.8200 (Tel)
913.948.8228 (Fax)

Attorneys for Defendant John Umsted

BRYAN CAVE, LLP

By: /s/Daniel M. O'Keefe

Daniel M. O'Keefe
Lily Kurland
211 North Broadway, Suite 3600
St. Louis, MO 63102-2750
Email: dmokeefe@bryancave.com
Email: lily.kurland@bryancave.com
314.259.2000 (Tel)
314.259.2020 (Fax)

Attorneys for Defendant Kenneth Francis

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on October 9, 2014, a true and correct copy of the foregoing was filed electronically and served via the Court's CM/ECF system on all attorneys of record.

/s/ R. Cameron Garrison

An Attorney for Plaintiffs